IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:08CR222
Plaintiff,	
vs.) TENTATIVE FINDINGS
NANCY MARTIN PEREZ,	
Defendant.	}

The Court has received the Presentence Investigation Report ("PSR") in this case. The Defendant objects to the PSR. (Filing No. 103.) The government adopted the PSR. (Filing No. 98.) See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The objections do not relate to the sentencing guideline range and are of the type that should be raised initially to the probation officer prior to the preparation of the final version of the report. The objections are denied.

IT IS ORDERED:

- 1. The Defendant's objections to the PSR (Filing No. 103) are denied;
- 2. The parties are notified that my tentative findings are that the PSR is correct in all respects;
- 3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

- 4. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
- 5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 23rd day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp United States District Judge